

### **REMARKS/ARGUMENTS**

By the present amendment, claims 1, 3, 10, 21 and 23-25 remain in this application. Claims 19, 20 and 22 are cancelled in the present application while claims 2, 4-9 and 11-18 have been cancelled previously. Applicant amends claims 1, 10 and 21 in the present application to more clearly and particularly describe the claimed subject matter. Applicant respectfully requests reconsideration and allowance.

#### ***Claim Rejections - 35 USC § 112***

Claims 1, 10 and 21 are rejected under 35 U.S.C. 112, second paragraph. Claims 1, 10 and 21 recite the limitation “the user’s request”. There is insufficient antecedent basis for this limitation in the claims. Applicant respectfully submits that the amendment to claims 1, 10 and 21 renders all of these claims compliant with 35 U.S.C. 112, second paragraph.

#### ***Claim Rejections - 35 USC § 103***

Claims 1, 3, 19, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett (US 6,473,738 B1) in view of Jacobi *et al.* (US 7,113,917 B2), hereinafter “Jacobi”, and in view of Song (US 6,865,546 B1). Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett in view of Jacobi. The rejection is respectfully traversed for at least the following reasons, although independent claims 1, 10 and 21 have been amended to distinguish further the claimed subject matter from the references.

Amended independent claim 1, in part, explicitly requires the steps of “establishing, by the computerized transaction system without requiring a user’s request, the giftee profile based on said determining if the computerized transaction is associated with the user on behalf of the

third party; aggregating, by the computerized transaction system, information associated with the transaction in the user profile corresponding to the user if the computerized transaction is determined to be associated with the user; and aggregating, by the computerized transaction system, the information associated with the transaction in the giftee profile corresponding to the third party if the computerized transaction is determined to be associated with the third party, wherein the offer consists of one or more of: a special offer and a promotion and wherein the determining of the offer is based upon a past purchase transactions and the presented offer is for a future purchase by the user.

Garrett discloses a method of merchandising items including generating a list of names for whom a customer may associate items. However, Garrett definitely discloses that the list is generated by the customer and the selected items are associated to the names on the list by the customer (see col.3, lines 46-53). Therefore, the lists taught by Garrett are generated by the user's request, and are not established by the computerized transaction system without requiring the user's request, as set forth in amended claim 1. It should be improper that Examiner noted that Garrett invention does not require the user to request a profile to be established.

Moreover, Garrett only disclose that the list is generated by the customer, and the selected items are associated to the names on the list by the customer, then saving the selection list on the computer system", but definitely does not disclose or imply that using the computerized transaction system to aggregate information associated with the transaction in the user profile corresponding to the user if the computerized transaction is determined to be associated with the user and to aggregate the information associated with the transaction in the giftee profile corresponding to the third party if the computerized transaction is determined to be associated with the third party.

Jacobi also fails to disclose the above-mentioned limitations. Jacobi discloses implementing a variety of different recommendation services so as to generate personal recommendation. However, Jacobi does not disclose that the offer consists of a special offer and a promotion, as set forth in amended claim 1.

In addition, Jacobi discloses that the service uses the items purchased from these shopping carts as the items of known interest. However, Jacobi does not disclose that the presented offer is for a future purchase by the user.

For the above reasons, Garrett, Jacobi and Song, either alone or in combination, fail to disclose all limitations as required in claim 1. Therefore, applicant respectfully submits that claim 1 is allowable over the references, and withdrawal of the rejection is respectfully requested.

Similar to the explanation above with respect to the patentability of claim 1, Garrett, Jacobi and Song fail to disclose all limitations as required in amended independent claims 10 and 21. Thus, it is respectfully requested that the rejections of claims 10 and 21 be withdrawn.

Claims 3 and 23 depend from amended claim 1 and Applicant submits that claims 3 and 23 are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim 1.

Claims 24 and 25 depend respectively from amended claims 10 and 21, and Applicant submits that claim s 24 and 25 are patentable over the cited references for at least reasons stated above with regard to the patentability of amended claim s 10 and 21, respectively.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45262.

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